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COMMISSION ON HUMAN RIGHTS

Fifty-seventh session

SUMMARY RECORD OF THE 13th MEETING

Held at the Palais des Nations, Geneva,
on Monday, 26 March 2001, at 6 p.m.

Chairperson:	Mr. DESPOUY	(Argentina)
later:	Mr. MENDOÇA E MOURA (Vice-Chairperson)	(Portugal)

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RACISM, RACIAL DISCRIMINATION, XENOPHOBIA AND ALL FORMS OF DISCRIMINATION (continued)

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GE.01-12507 (E)

The meeting was called to order at 6 p.m.

RACISM, RACIAL DISCRIMINATION, XENOPHOBIA AND ALL FORMS OF DISCRIMINATION (agenda item 6) (continued)

Special debate on tolerance and respect (continued)

1. Mr. WADLOW (Association of World Citizens) said that tolerance and respect for others seemed to be related to an individual's self-confidence and self-respect. While there were obvious dangers in generalizing about the link between self-image and tolerance, the numerous areas of tension in the world necessitated the taking of certain methodological risks. The world was currently passing through a period of transition concerning self-images and the nature of personhood. The image of the person had become imprecise and fragile. A revitalized sense of human identity needed to be encouraged, an image of humanity that was uplifting and inclusive. It was important to strike a balance between a sense of pride in one's race, ethnicity and gender and the tendency to judge everyone else exclusively in those terms. With a sense of confidence in a new vision of the self, it would be possible to go beyond the racial, ethnic and national underpinnings that had been crucial in defining personal identity in the past.

2. Mr. RAJKUMAR (Pax Romana) said that religions could be viewed as agents of hope with the capacity to create a new world of harmony and solidarity. They made possible the negotiation of walls and boundaries in order to achieve love of one's neighbour and recognition of the self-identity of others. By negotiating boundaries and communing across borders, believers of all religious traditions would discover new dimensions of their own faith identity. They would also forge new forms of partnership and solidarity with civil society and offer a privileged place to the growing underclass whose history was often unwritten and unacknowledged. Such a process should inform globalization. Human rights discourse stated that all human beings were equal, yet everyone was born with some kind of affiliation. As human beings grew, they acquired more and more affiliations. Each person should see his or her identity as the sum of his or her affiliations instead of just one, raised above all the others and transformed into an instrument of exclusion or a weapon of war. Such an approach would constitute a meaningful step towards a culture of tolerance and peace.

3. Mr. MOTALA (International Save the Children Alliance) said that racial discrimination existed because of ignorance and lack of respect. The European Regional Conference against Racism, held in Strasbourg in October 2000, had decided that the use of the term "tolerance" was unacceptable. People or groups should be "respected" rather than "tolerated". Diversity needed to be embraced and celebrated. The Commission on Human Rights should urge all Governments to take steps to eradicate racism through education and respect for others.

4. Mr. LITTMAN (Association for World Education) said that the principal aim of the Universal Declaration of Human Rights had been to create a framework for a world society that required universal codes based on mutual consent in order to function. It was the universal character of those codes which made them a common basis for transnational and intercultural relations between peoples. The United Nations - and especially the Office of the High Commissioner for Human Rights - should resolutely endorse the international community's goal of universality so clearly enshrined in the International Bill of Human Rights and other relevant

international instruments. The international community should beware of those who insisted on offering "toleration" as a substitute, or any form of cultural relativism. When speaking of "tolerance", the principle of "reciprocity" should never be forgotten, otherwise tolerance would simply lead to conceded rights that could be withdrawn by a higher authority, or by anyone claiming to speak for a supreme authority. The International Bill of Human Rights, on the other hand, established a parity of rights and could not be superseded by another legal system or set of values. The human dignity of every individual could be properly affirmed and given effective protection only within the framework of an interrelated system of norms, principles and institutions.

5. Human rights issues in international relations were frequently interpreted as belonging to the moral sphere, despite the existence of legally binding international instruments that amplified the principles of the Universal Declaration. Only a firm and uncompromising stand on the most fundamental questions could result in the effective implementation of the ideals and objectives of the International Bill of Human Rights and other relevant instruments.

6. Mr. PARY (Indian Movement "Tupaj Amaru") said that, in his opinion, the panellists had not really addressed the issue of indigenous peoples or made specific recommendations on eradicating intolerance and ensuring respect for human rights. Colonialism and slavery, which had imposed alien cultures and beliefs on indigenous peoples, also needed to be taken into account. A solution to the problem of intolerance and lack of respect for others should be sought in the historically determined social conditions prevailing in society, not in the rhetoric of Governments and their controlling elites, which were simply attempting to conceal their true interests. It would be interesting to know how the panellists proposed to eradicate intolerance and ensure respect for human dignity in the context of globalization, which was a negative force that bred exclusion and extreme poverty.

7. Ms. COLLINGS (Aboriginal and Torres Straits Islander Commission) said that in Australia there was an unwillingness to respect and embrace the truth with regard to the question of indigenous people who had been permanently separated from their families. There was also a tendency to attribute those events to a bygone era and deny that they had any relevance to the present day. Her organization endorsed the establishment of the post of special rapporteur for the human rights of indigenous peoples.

8. Mr. SAMUELS (Simon Wiesenthal Center, Inc.) said that his organization was dedicated to applying the lessons of the Holocaust to the analysis of contemporary prejudice and focusing its efforts on combating all manifestations of racial hatred. The number of hate sites on the Internet and hate-based computer games had increased exponentially, and the principal challenge of the present day was to turn information technology against the racists. To that end, the Simon Wiesenthal Center had produced a CD-ROM that would enable community activists, law-enforcement agents, journalists and educators to monitor cyber-hatred. The resource could also be made available to members of the Commission and non-governmental organizations (NGOs).

9. Ms. SADIK said she had been struck by the fact that only four Government and two NGO representatives had mentioned the importance of gender issues in promoting tolerance and respect. The representative of Sweden, speaking on behalf of the European Union, had referred

to women's role in promoting tolerance and respect. That role could be enhanced by mainstreaming gender issues in all discussions that took place at the United Nations and ensuring the presence of sufficient numbers of women at the policy-making level.

10. Education needed to be promoted within a social and human rights framework rather than as a political tool. It had been suggested that racial discrimination and religious intolerance could be remedied through education alone, but it should be borne in mind that political and religious leaders often deliberately used religion, sectarianism and ethnicity to promote exclusion and further their own goal of retaining power. Basic education was essential, but so was a fundamental change in attitude. Much work remained to be done to change the attitudes of men in general and political leaders and policy-makers in particular. Legislation could prohibit certain actions or patterns of behaviour, but on its own it could not eradicate intolerance or disrespect; certain attitudes or modes of behaviour would only disappear forever when they became socially unacceptable.

11. Significant progress on a number of sensitive and difficult issues had been made in the past 30 years, and the fact that such issues could be discussed openly in a forum such as the present one clearly indicated how much ground had been covered. Nevertheless, a truly meaningful and honest discussion of issues such as the empowerment of women revealed just how much remained to be accomplished. The work of the Truth and Reconciliation Commission in South Africa perhaps provided a valuable lesson for the international community: might it not be worth considering the establishment of an analogous body at the international level? Such a forum would enable Governments to give an honest account of the situation in their respective countries and allow individuals and NGOs to participate in the ongoing debate.

12. Mr. PECCOUD said that during the debate the word "respect" had been used much more frequently than the word "tolerance", thereby indicating a willingness to develop a culture of genuine appreciation of human diversity rather than mere grudging toleration. Three principal areas of diversity had been explored. Gender was of crucial importance since it constituted a child's first experience of difference; persons belonging to excluded national minorities were often the surest guide to what was wrong in a particular society; and migrants should be valued for the contribution they made to their host countries. Reference had also been made to various ways in which mutual respect could be encouraged: ongoing education, in which the media had a central role to play; the influence of the major religions, by developing a sense of inner peace among believers and refraining from the advancement of ideological agendas; and ultimately reconciliation and pardon.

13. Ms. BRASLAVSKY (United Nations Educational, Scientific and Cultural Organization) said that the modern world was replete with new technologies that offered an opportunity either to reinforce or to eradicate old prejudices. The changes advocated in the course of the special debate were cultural, and although there was consensus on the essential nature of those changes, there was little agreement on how the changes should be brought about. The keynote of the special debate had been the celebration of diversity and the encouragement of inclusion. The question of citizenship should be reconsidered in that light. Tolerance, respect and a willingness to live together were essential components of the social fabric which, all too often, needed to be reconstituted when the underpinnings of citizenship failed.

14. However, it was difficult to educate specifically for that purpose. Furthermore, conflicting views had been expressed as to the nature and benefits of education, which could equally well be used for good and ill. But if access to education, the Internet and other information media were denied, coexistence would never be achieved. Education could only be a positive force for forging respect and coexistence when underpinned by resolute political will. Although it was difficult to determine precisely which factors comprised a good education, a commitment to diversity and a multipolar world seemed to be vital ingredients. Education should be a marriage of contextualized practice and the values which inhered in every world religion. It should be borne in mind, however, that teachers themselves were human beings who brought their subjectivity and historically-determined attitudes to bear on the younger generation.

15. The CHAIRPERSON said the general debate had demonstrated that it was possible to hold a positive and constructive discussion about the difficult issues of tolerance and respect. That augured well for the forthcoming World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance. It was also heartening to note that Governments and NGOs alike had had ample opportunity to contribute to the debate, and that their contributions had been wholly constructive.

16. Mr. Mendonça E Moura (Portugal), Vice-Chairperson, took the Chair.

17. Mr. BEKE DASSYS (Observer for Côte d'Ivoire) said that his delegation had taken note of the comments in the report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance regarding the situation in Côte d'Ivoire, and especially his suggestion that the Government, with the active cooperation of civil society and in particular the heads or representatives of various associations of persons of foreign origin, should embark upon a campaign to reassure both sides, to counter xenophobic inclinations and to dissipate any misunderstandings that might give rise to xenophobia. His Government had already initiated such contacts. Moreover, the new Ivorian Constitution which had been adopted in 2000 contained specific provisions that proscribed xenophobia, including the prohibition of all parties or groups with a regional, religious, tribal, ethnic or racial basis. Peace had been restored in the country following the presidential elections, the recent municipal elections had passed off smoothly, and a nationwide reconciliation forum was being organized.

18. Mr. MALEVICH (Observer for Belarus) said that Belarus was home to more than 140 nationalities living together in peace and harmony. Belarusian law prohibited the establishment and operation of political parties or other voluntary associations whose aim was to disseminate war propaganda or incite social, ethnic, religious or racial hatred. The previous year, pursuant to a Belarusian initiative, the General Assembly had adopted resolution 55/82 (Measures to be taken against political platforms and activities based on doctrines of superiority, which are based on racial discrimination or ethnic exclusiveness and xenophobia, including, in particular, neo-Nazism). As a country that had suffered grievously from Nazism during the Second World War, Belarus noted with concern the resurgence of neo-Nazi parties and groups in different parts of the world. The unequivocal condemnation of Nazism by the international community through the General Assembly, and the fact that the Governments of the States concerned had taken comprehensive measures to address the problem, was a positive sign. Belarus attached special

importance to the preparations for the forthcoming World Conference against Racism, and urged all States which had not yet done so to sign the Declaration "Tolerance and Diversity - A Vision for the 21st Century".

19. Mr. SWEPSTON (International Labour Office) said that racism circumscribed the lives of millions of people by affecting their working lives in a fundamental way. Marginalization and exclusion wasted productive potential and aggravated poverty and social tension, often forcing people to migrate. The rights-based approach of the International Labour Organization (ILO) had been integrated into its Decent Work Agenda, which recognized that without employment there were no workers' rights, and that the exclusion engendered by racism dragged down entire economies. Only when there was secure income for all could effective social cohesion be promoted. The constituents of ILO - Governments and employers' and workers' organizations - had a crucial role to play in upholding such values. The organization's efforts to combat racism and racial discrimination were embodied in its Convention (No. 111) concerning Discrimination in Respect of Employment and Occupation. Accordingly, ILO encouraged Governments to adopt comprehensive strategies and mechanisms to eradicate all forms of discrimination and to promote equality of opportunity and treatment in employment and occupation. It welcomed the strengthening of laws aimed at prohibiting and punishing racial discrimination in the workplace and various measures to improve access to vocational training and employment. ILO had requested Governments to assess the impact of their policies on the representation of particular groups of men and women in various sectors of economic activity and in respect of access to education, occupational guidance, vocational training and employment.

20. Ms. SAYERS (Brahma Kumaris World Spiritual University) said that all human beings possessed intrinsic dignity and worth and thus had the right to be respected and valued. They also had a responsibility to respect and value others. The essential values for the twenty-first century must include social responsibility, honesty, commitment, cooperation and respect for diversity. Such values would break the cycle of violence and revenge that destroyed human life at all levels. As complementary partners with Governments and the United Nations system in combating racism and all forms of discrimination, NGOs had a special role to play. Working at grassroots levels with communities, they had a unique ability to discern the needs of individuals who had been marginalized through economic, social and cultural deprivation. NGOs pledged their commitment and cooperation in the huge task of implementing the Universal Declaration of Human Rights and, in particular, ensuring the success of the forthcoming World Conference against Racism.

21. Ms. TOLD (Women's International League for Peace and Freedom) said that victims of racial discrimination should be given the opportunity to participate actively in the forthcoming World Conference against Racism, which should result in a concrete and effective plan of action. It should be noted, however, that despite strong government encouragement for the efforts of NGOs, serious limitations had been placed on their work in the run-up to the Conference. NGOs should be treated as full and equal partners. Efforts against racism should not end with the World Conference; on the contrary, it should be a starting point for implementation of a plan of action involving all actors within the international community and civil society as active participants, particularly groups and individuals affected by racism and racial discrimination. It was essential to establish concrete mechanisms, at both the international and the national level, in order to provide effective follow-up to the Conference.

22. The role of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance had become increasingly important. A necessary part of his work involved field missions to all regions of the world, and accordingly Governments should extend an open invitation to visit their countries. Specifically, the Commission should instruct the Special Rapporteur to examine the situation of victims of racial discrimination based on descent and occupation.

23. Racism, racial discrimination, xenophobia and other forms of discrimination manifested themselves in an aggravated and differentiated manner for women, causing a deterioration in their living standards, multiple forms of violence, and a limitation and denial of their human rights. The Special Rapporteur should be instructed to analyse the interconnectedness of gender and race in his reports, fact-finding missions, investigations and recommendations. Data disaggregated by sex and other indicators were fundamental to analysis. Accordingly, members of the Commission should extend invitations for joint missions of Special Rapporteurs. Finally, the Office of the High Commissioner for Human Rights should establish a major programme or service entirely devoted to combating racism, racial discrimination and related intolerance. Any such programme should be adequately funded and staffed through the regular budget.

24. Mr. LITTMAN (World Union for Progressive Judaism) said that his organization strongly condemned all attacks on religious places, such as the recent destruction by the Taliban of two giant statues of the Buddha in Afghanistan or the demolition by a Palestinian mob of the tomb of the Hebrew Patriarch Joseph near Nablus. The mediaeval "blood libel" against the Jews had been constantly and maliciously revived in the Arab press and media, particularly in Syria and Egypt, and by the Palestinian Authority. Historians recognized that the scurrilous Damascus blood libel of 1840 was a defamation of the Jewish religion, yet in 1999 the Syrian Minister of Defence had reiterated his belief in its authenticity. The Commission should strongly condemn all revivals of the blood libel and other racist manifestations.

25. Mr. WADLOW (Association for World Education) proposed that a Chairperson's Statement would be the most appropriate way to deal with the matter of the destruction of images and statues by the Taliban movement in Afghanistan. The Commission was due to examine the human rights situation in Afghanistan when the relevant Special Rapporteur presented his report later in the session, but the destruction and looting of images and statues in that country merited urgent and special attention. The Secretary-General of the United Nations and representatives of UNESCO, Governments and NGOs had all appealed in vain to the Taliban to prevent the ongoing destruction of works of art which formed part of the common heritage of humanity. It was incumbent on the Commission on Human Rights to speak out forcefully and urgently, and it was to be hoped that such unanimous condemnation would exert a positive influence on attitudes in Afghanistan.

26. Mr. SAMUELS (Simon Wiesenthal Center, Inc.) said that throughout the Arab world the most ugly and ridiculous anti-American, anti-Israeli and anti-Semitic diatribes were routinely published in the press or aired on radio and television, and always with either the acquiescence or at the prompting of the authorities. The Holocaust was often trivialized and Israelis were characterized as mendacious and devious Jews who lived up to every imaginable anti-Semitic stereotype. Such hate speech and incitement should not be tolerated in any forum or

official publication and should be firmly condemned. It was a matter of particular concern that the Government of the Syrian Arab Republic was directly associated with the publication of hate literature; the Simon Wiesenthal Center called upon the representative of the Syrian Arab Republic to give assurances to the Commission that, henceforth, his Government would dissociate itself from such outrageous publications.

27. Ms. SHARFELDDIN (International Organization for the Elimination of All Forms of Racial Discrimination) said that the use of uranium missiles in Yugoslavia had received extensive media coverage, but Western forces had previously used similarly destructive missiles against the Iraqi people, and had done so in a more extensive and harmful manner than in the Balkans. Yet Western public opinion had remained unmoved and the precise circumstances had not been revealed to the world until after a number of soldiers from Western countries had fallen victim to the side effects of the weapons. Such a racist double standard was especially pernicious. Public opinion in the third world could never forget the downing of Libyan and Iranian commercial aircraft by Israeli or American missiles, the American air raids on Tripoli and Benghazi, or the air raids on a pharmaceutical factory in the Sudan. Such attacks clearly demonstrated American recklessness and arrogance, yet they were hardly ever denounced or condemned. None of the victims had ever been compensated or received an apology. Yet blockades, embargoes and sanctions had been unjustifiably imposed on countries such as Iraq, Libya and the Sudan. State-sponsored racism against other States should be seriously addressed by the Commission on Human Rights. The numerous humanitarians and human rights organizations in the West should focus attention on confronting the attitudes of their own governments.

28. Mr. MOTALA (International Save the Children Alliance) said that discrimination against children around the world continued to be overlooked at the international level. Children in almost every society lacked power and were therefore vulnerable to discrimination, which had a profound impact on their later lives: lower levels of school enrolment, higher drop-out rates, poorer health and greater exposure to sexual and physical violence. Even more corrosive was the impact on children's self-esteem.

29. Discrimination against children occurred at all levels of society and was practised by Governments, communities, adults and other children. Racial discrimination in education could be institutionalized through education policy, or it could result from the actions of individuals such as teachers or fellow students. It could be overt, in the sense that a policy or action actively prejudiced the opportunities of certain groups of children, or it could be covert, where, for example, failure to take action against racist bullying caused a child to be discriminated against. Roma (Gypsy) and Traveller children in many European countries had long been victims of such discrimination.

30. Children and young people in some countries were openly discriminated against in respect of access to services and public places, particularly leisure, entertainment, health-care and social facilities. There was evidence that ethnic minority pupils were disproportionately represented among those permanently excluded from school. In some countries children from certain minority ethnic groups were more likely to be placed in care and to be disproportionately represented in deprived areas.

31. Governments should introduce legislation establishing the general principle of non-discrimination in all areas; analyse existing legislation to identify ways in which it directly or indirectly discriminated against children; collect better statistical data and analyse it in order to identify how legislation and policy affected children's lives; address racial harassment and bullying in a prompt manner through appropriate legislation and policy; end all forms of segregation within the school system and adopt positive measures to safeguard children's ethnic, cultural and linguistic identity; redress all forms of discrimination in sectors such as health care, living conditions and social services; and listen to children and young people, especially those who had experienced discrimination. Young people should be involved in all decisions affecting their lives and mobilized in the fight against discrimination.

32. Ms. de LEEUW (South Asia Human Rights Documentation Centre) said that the forthcoming World Conference against Racism risked derailment through self-interest and political brinkmanship. In an attempt to avoid politically controversial issues, many crucial questions had been excluded from the draft declaration and programme of action of the Conference. The text had also been marred by careless and slapdash drafting. Repetitions and inconsistencies abounded. Some of the inconsistencies could potentially affect the elaboration of future international standards.

33. Whenever preparatory meetings were scheduled at short notice, NGOs from developing countries and organizations representing indigenous peoples found it very difficult to attend due to limited financial resources. Further restrictions on NGO input, particularly in regional preparatory processes, could be blamed on meddling by the NGO Liaison of the World Conference Secretariat. In addition, much information of vital importance for NGO participation in the World Conference was nowhere to be found on the Web site of the Office of the High Commissioner for Human Rights. Measures needed to be taken to enable NGOs from all regions to have a more meaningful input in the final preparations for the Durban Conference.

34. Ms. BIONDI (International Confederation of Free Trade Unions) said that multiple forms of racism and xenophobia in the workplace had a very negative impact on the right to work, the right to fair remuneration and decent working conditions, the right to social security and the right to education and vocational training. Migrants, foreigners, asylum-seekers and displaced persons were routinely discriminated against. Worsening economic and social conditions in many countries were the result of globalization, which had led to social exclusion and migrant flows.

35. The High Commissioner for Human Rights had rightly observed that it was the responsibility of States to sign, ratify and implement the main international and regional instruments to eliminate discrimination. And although illegal migrants could obviously not enjoy the same rights as undocumented migrants, they were nevertheless entitled to protection against racism, xenophobia and intolerance wherever they lived. It was also essential to address the issues of migration and trafficking in human persons separately.

36. Given the meager results of the two previous world conferences on racism, steps should be taken to ensure that the forthcoming conference in Durban produced a much stronger and more binding text.

37. Mr. WAREHAM (International Association against Torture) said that, in all likelihood, the forthcoming World Conference would fail in its stated aim of striking a lethal blow against racism. The main reason would be opposition and obstruction by the Western European and Other States Group (WEOG), the countries which, historically speaking, had benefited most from racism and racial discrimination. Having failed to prevent the convening of the Conference, Western countries had subsequently expanded the agenda to include xenophobia and related intolerance, thereby hoping to deflect attention from racism and racial discrimination. They had also opposed the notion of "compensatory relief" in order to deny reparations to the African descendants of slaves. The enforcement of human rights had always suffered from a double standard: one for the developing countries and another for the developed world. The World Conference promised to establish a level playing field for the first time. If the Conference was to achieve its full potential, it must directly address the issues of recognition of the transatlantic slave trade and slavery as a crime against humanity; reparations for Africans in the diaspora and in Africa itself; and the economic basis of racism.

38. Mr. PROVE (Lutheran World Federation) said that recent initiatives had reflected a growing understanding of the wider global significance of discrimination based on caste or descent as a sub-category of racial discrimination. Caste-based discrimination was covered by the definition of racial discrimination in the International Convention on the Elimination of All Forms of Racial Discrimination. It was among the most ancient forms of social exclusion based on birth. It was a social construct, like any other form of discrimination, and could be changed. The forthcoming World Conference would provide a valuable opportunity to acknowledge and address an issue which affected millions of people around the world and involved the systematic denial of a wide spectrum of human rights and fundamental freedoms. Governments should support and promote proper attention to the issue in the context of the World Conference, and should invite the Special Rapporteur on contemporary forms of racism to visit their countries. The recommendations of the Committee on the Elimination of Racial Discrimination, the Sub-Commission on the Promotion and Protection of Human Rights, and other human rights bodies regarding all forms of discrimination based on occupation and descent should be universally adopted and implemented.

39. Mr. PERERA (World Federation of United Nations Associations) said that age-old racial attitudes and prejudices had been handed down from generation to generation, and thus for large sections of the world's population had become articles of faith as sacred as the cardinal precepts of their particular religions or beliefs. Such deep-seated racial attitudes could be eliminated only by a sustained and massive education programme targeted at all strata of society and all age groups. In fact, article 7 of the International Convention on the Elimination of All Forms of Racial Discrimination called for just such a programme. Unfortunately, few States had implemented the provision. Conventions were useful because they set standards. The United Nations, ILO and UNESCO had adopted numerous conventions, declarations and protocols relating to racial discrimination, but they were of little value unless States made genuine efforts to conform to the standards contained therein. Such efforts had been sadly lacking.

40. Mr. MUTAMBIRWA (Interfaith International) said that special attention should be paid to the history and experience of Africans in the diaspora and the terrible experiences of indigenous peoples. The forthcoming World Conference needed to face up to and deal meaningfully with the legacy of slavery and colonialism. It must be acknowledged that religion had played an unpalatable role in the enslavement of Africans and the colonization of Africa by serving to legitimize those practices. Such legitimization was so deeply entrenched in the collective psyche of the oppressors that racism and racial discrimination had now become second nature. Nevertheless, the shortcomings of religion had been frankly acknowledged and a close study of scripture had shown that racism and racial discrimination were contrary to God's message. It was important to recognize the fact that religion had a constructive role to play in eliminating racism.

The meeting rose at 9 p.m.

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COMMISSION ON HUMAN RIGHTS

Fifty-seventh session

SUMMARY RECORD OF THE 14th MEETING

Held at the Palais des Nations, Geneva,
on Tuesday, 27 March 2001, at 10 a.m.

Chairperson: Mr. DESPOUY (Argentina)

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ORGANIZATION OF WORK

RACISM, RACIAL DISCRIMINATION, XENOPHOBIA AND ALL FORMS OF DISCRIMINATION (continued)

The meeting was called to order at 10.10 a.m.

STATEMENT BY MR. AGBÉYOMÉ MESSAM KODJO, PRIME MINISTER OF TOGO

1. Mr. MESSAM KODJO (Togo) informed the Commission on Human Rights of his Government's support, in particular for the High Commissioner, whose determination and devotion to the cause of human rights he applauded. The Togolese Government noted with regret the High Commissioner's decision not to seek a second term of office.

2. He had taken the floor above all to enlighten the international community about the serious and unfounded accusations directed against Togo by Amnesty International. Those accusations had led to the establishment of the United Nations/OAU International Commission of Inquiry for Togo. Following their inquiry, conducted in Togo, Ghana and Benin, the members of the commission had concluded that they could neither confirm nor deny the allegations made by Amnesty International. It could hardly have been otherwise, since the entire affair was a plot to destabilize Togo orchestrated by a number of opponents to the Government.

3. Amnesty International's accusations that hundreds of civilians and soldiers had been summarily executed and thrown into the sea were therefore totally unfounded, as had been admitted inter alia by representatives of the national press. The accusations were even less plausible given that foreign observers and NGOs in Togo during the election period had never heard about the bodies said to have been found floating off the coasts of Togo and Benin. Such tragic incidents could not have gone unnoticed by all those flocking to Lomé beach.

4. Amnesty International had therefore obviously been misled by its informants and had failed its mission by not taking the usual precautions it should have in the light of the seriousness of the incidents. During his visit to Lomé over 10 years earlier, the former Secretary-General of Amnesty International, Mr. Peter Duffy, had paid tribute to Togo's struggle to promote human rights. It was therefore surprising that in less than 10 years, Togo should have become a State of terror.

5. Togo's economic success admittedly stood in the way of those who wanted to reach power. In spite of the difficult economic situation, Togo had become the hub of the subregion. Togolese banks were flush with cash, earning Togo the nickname, "the Switzerland of Africa". The country was respected and admired by its neighbours and many Africans were moving there, contributing to its prosperity.

6. Those opposing the party in power, the Togolese People's Rally, had started by organizing armed incursions from the exterior, resulting in a high toll of innocent victims, in 1986, 1993, 1994 and 1998. During the political crisis that had broken out in the country in 1990, accusations of human rights violations had been pulled out of thin air.

7. Togo had been building on democracy and the rule of law since the mid-1980s. It was with a view to enhancing that process that it had promoted the establishment of trade unions and political parties, of many human rights NGOs, and had guaranteed freedom of the press.

Although the media had abused that freedom, the Togolese Government had demonstrated great tolerance and the President of the Republic, Mr. A. Adema, had always pardoned journalists who had been arrested or even convicted.

8. The steps taken by the Togolese Government to promote the rule of law and democracy included the establishment of the National Human Rights Commission, the ratification of almost all international human rights treaties and increased attention to the strengthening of the judiciary. In addition, the Supreme Council of Justice, the Constitutional Court and the renovated Supreme Court had been established with a view to consolidating the rule of law.

9. In view of the particularly worrisome human rights situation in Africa, Togo was determined to rise to the two major challenges of strengthening democracy and implementing a genuine economic, social and cultural policy. The latter objective required a strong economy. To meet it, strategies would have to be found that favoured sustainable human development, or the steadily worsening economic situation could lead to a social explosion. The international community had to become aware of the pressing appeals that were being launched and understand that it was difficult to speak of effective enjoyment of human rights for a population that lived below the poverty threshold.

10. To meet its objectives, the Togolese Government was implementing a medium-term strategy aimed both at stabilizing and rehabilitating the macroeconomic framework and at the optimum allocation of resources, while ensuring that the most vulnerable population sectors were protected. It recognized the close connection between development, democracy and human rights, the threesome established by the World Conference in Vienna in 1993.

11. He vigorously declared the need for a policy aimed at integrating all the communities in a country and at respect for individual fundamental rights. In that regard, the Togolese Government was enthusiastically preparing to contribute to the World Conference against Racism.

STATEMENT BY MS. BENITA FERRERO-WALDNER, MINISTER FOR FOREIGN AFFAIRS OF AUSTRIA

12. Ms. FERRERO-WALDNER (Austria) said that her delegation regretted to learn that Mrs. Robinson, who had made a decisive contribution to advancing the cause of human rights and to strengthening the human rights capacities of the United Nations system, would not be seeking a second term of office.

13. Austria saw the Commission on Human Rights as the central engine for the development and promotion of human rights worldwide. The Commission had generated two covenants and an impressive number of conventions and declarations. It had established monitoring mechanisms and a network of human rights assistance. It had also introduced the human rights dimension into new areas and had brought about recognition of the right to development.

14. Unfortunately, human rights instruments often remained a dead letter for countless human beings whose most basic rights continued to be grossly violated every day. The

recognition of the imperative need to translate human rights standards into practice had been a central achievement of the Vienna World Conference on Human Rights. In that respect, the Conference had laid a number of foundations.

15. The United Nations nevertheless had to reflect on how best to ensure respect for human rights during conflict, how to incorporate human rights into prevention policies and how to formulate strategies apt to achieve lasting reconciliation on the basis of the rule of law and good governance. In that respect, she expressed satisfaction at the growing importance of human rights in the United Nations system, in particular in field activities.

16. With regard to the often tragic plight of the 20 to 25 million people displaced by conflict around the world, she paid tribute to the Secretary-General's representative for internally displaced persons, Mr. Francis Deng, for his advocacy on behalf of the internally displaced in dialogues with governments and other actors. She had been encouraged to learn of the good use made by many governments of the Guiding Principles on Internal Displacement compiled by Mr. Deng at the Commission's request and of the establishment of an inter-agency network on internal displacement. Much remained to be done, however, to find an adequate response to the needs of internally displaced persons. In that area, the Commission and the High Commissioner for Human Rights had an important role to play.

17. The previous year, as Chairperson-in-Office of the OSCE, she had ensured that one of the OSCE's meetings had dealt with migration and internal displacement. Furthermore, the Austrian Government had hosted an international colloquy on internal displacement, and the Austrian delegation would table a draft resolution on the issue at the current session of the Commission.

18. Austria unreservedly supported the activities of the Offices of the High Commissioner for Human Rights in Burundi and Colombia to assist national institutions and civil society. The Offices endeavoured to deal with the many problems caused by the conflicts in those two countries, including displacement. Austria had pledged 5 million Austrian schillings in support of the Burundi Office. It would also support the Colombia Office with its European Union partners.

19. In order to ensure respect for the principle of non-discrimination both at international and local level, Austria was actively participating in the preparations for the World Conference against Racism. It was honoured to have chaired the preparatory committee for the European Regional Conference in Strasbourg. The World Conference should make concrete recommendations. It was essential that NGOs be adequately represented at the World Conference. Mastering the future meant facing up to the past. Austria, for its part, had assumed its moral responsibility and taken measures to settle the claims arising from the Nazi socialist era or the Second World War. Although the World Conference should focus on a forward-looking approach, the participating States should not shy away from facing up to historical injustices in the framework of a constructive dialogue promoting reconciliation.

20. Ethnic minorities were the primary targets of racism, xenophobia and discrimination. The tragedies that had occurred in the former Yugoslavia and the Great Lakes region of Africa proved that negating the rights of minorities figured prominently among the causes of armed

conflict. In many instances, special measures had to be taken to ensure that the members of ethnic minorities were placed on an equal footing with the rest of the population. In that spirit, Austria would submit to the Commission a draft resolution on "The rights of persons belonging to national or ethnic, religious and linguistic minorities".

21. In order to fight more effectively against trafficking in human beings, in particular of women and children for the purpose of sexual exploitation, the international community had to conduct coordinated and interdisciplinary action, involving the countries of origin, transit and destination. The means of making potential victims aware of the issue, protecting them and helping them reintegrate into society also had to be strengthened. Austria would sponsor a special event on the topic on 9 April 2001.

22. The violent acts recently committed by young people against foreigners and asylum-seekers in Europe bore witness to the fact that despite the efforts made, a genuine human rights culture had not yet taken hold. She had therefore made human rights education a priority on the Austrian human rights agenda.

23. Civil society had to be closely involved in that undertaking. Austria therefore wholeheartedly supported the municipalities in Africa and Latin America that had proclaimed themselves "human rights cities". In Europe, the Austrian city of Graz had become the first to adopt that term.

24. Austria strongly believed that to foster the right to development in an increasingly globalized economy, national action and international cooperation had to reinforce each other. It therefore recognized the growing importance of capital flow to developing countries. It welcomed the Heavily-Indebted Poor Countries Initiative and considered the European Union's "Everything but arms" project a step towards reducing the resource gap between developing and developed countries.

25. She concluded by stating that the world needed concrete measures rather than abstract solutions. She firmly believed that the complex problems on the Commission's agenda could only be solved in a spirit of cooperation.

STATEMENT BY MR. JOSCHKA FISCHER, MINISTER FOR FOREIGN AFFAIRS OF GERMANY

26. Mr. Joschka FISCHER (Germany) expressed satisfaction at the progress made the previous year with regard to human rights. The Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women had entered into force, and it was to be hoped that the same would soon apply to the optional protocols on child soldiers and the exploitation of children. In Yugoslavia, Korea and elsewhere, a reduction in tension had allowed peopled to believe there might be hope.

27. The same did not hold true, however, for other parts of the world. In the Middle East, the two sides had to refrain from doing anything that could stand in the way of negotiations, the only means of resolving outstanding issues.

28. The human rights record worldwide was anything but satisfactory. In more than two thirds of all States, people were being tortured or abused. The fundamental rights of women were being violated, the most basic needs of the poor ignored, and children were being conscripted into combat forces.

29. It had not so far been possible to bridge the yawning gap between rich and poor countries. Globalization offered the former greater opportunities than the latter. In order to defeat the threat that the world would be divided along new fault lines as a result of that imbalance, market forces had to be counteracted by the adoption of measures that were geared to people's needs. In the age of globalization, a society could be successful only if it respected the rights of the individual, including the creativity and freedom that would be the single most important resource in the future. Lasting economic success and social development required observance of human rights and the rule of law.

30. Political and civil rights, on the one hand, and social and economic rights, on the other, formed an indivisible whole. Only societies that put the two categories of rights on an equal footing could develop in the long term. One of the outstanding contributions of the High Commissioner for Human Rights, Mary Robinson, was that she had heightened the international community's awareness of the interdependence of the two categories of rights. In that regard, the division between the champions of civil and political rights and the proponents of social and economic rights had proved to be crippling.

31. At present, the majority of States - and that had been one of the notable successes of human rights policy - were opposed to impunity for the perpetrators of human rights violations. Everything therefore had to be done to ensure that the International Criminal Court started work as soon as possible. Germany called on all States to safeguard the integrity of the Rome Statute and to sign and ratify it as soon as possible.

32. Germany continued to urge the worldwide abolition of capital punishment, which could not be justified either ethically or legally and had not proved to be an effective means of combating crime. Germany supported the elaboration of an optional protocol to the Convention against Torture. It would sponsor a draft resolution on the right to adequate housing.

33. Priority had to be given to the fight against trafficking in women and girls throughout the world and to the abominable practice of genital mutilation, for which there was no excuse. Women from all over the world and all walks of life had to have equal rights. In that respect, the Commission should condemn the violations committed in Afghanistan, where women had been deprived of almost all their rights. Those who had destroyed the magnificent statues at Bamiyan had, with that symbolic gesture, destroyed the idea of tolerance and living together in harmony, which was the basis for human rights and peace.

34. In China, although there was growing awareness that economic modernization and protection of human rights must go hand in hand, as evidenced by the ratification of the International Covenant on Economic, Social and Cultural Rights, the Government's readiness to cooperate more closely with the United Nations mechanisms, and the Sino-German dialogue on the rule of law, the human rights situation unfortunately continued to be a source of concern. Germany called upon China to end the persecution of political dissidents, Christians, Falun Gong

practitioners and ethnic minorities such as the Tibetans and Uighurs, to stop torture in prisons and work camps, to abolish the death penalty and to ratify the International Covenant on Civil and Political Rights, for the two Covenants formed a whole.

35. In Chechnya, human rights were still being gravely violated by both sides in the war. While Russia had the right and obligation to defend its territorial integrity, the use of force, far from solving the Chechen problem, served to exacerbate terrorism and fundamentalism. A lasting solution to the Chechnya problem could only be found politically. Moreover, the Russian Federation had not yet followed up the key demands made by the Commission in the resolution it had adopted on Chechnya at its previous session. Russia had to engage in political dialogue and negotiations on the peaceful settlement of the conflict and grant the Special Rapporteurs of the Commission on Human Rights and the OSCE Assistance Group access to the region. The crimes committed in Chechnya had to be systematically investigated and prosecuted. To date, one single Russian soldier had been tried.

36. The fight against racism and xenophobia was of particular importance to Germans, who, in the light of their history, proclaimed in article 1 of the Basic Law that "the dignity of the individual is inviolable". They considered the acts of violence committed against foreigners in recent years to be intolerable and humiliating. The State and society were determined to fight all forms of right-wing radicalism, racism and anti-Semitism, by taking the required measures to repress or prevent such acts.

37. The World Conference against Racism could make a difference in the struggle against xenophobia and racism. It must not only consider past injustices, including apartheid and slavery, but also examine present and future problems. To that end, it should adopt a meaningful declaration and a realistic plan of action.

38. Amnesty International, which would be celebrating its fortieth anniversary in 2001, had proved that NGOs could be very effective against violence, oppression and intolerance. In spite of their at times differing points of view, NGOs and governments had to unite their efforts against racism and xenophobia.

39. The fact that human rights had become a fixture of international politics was one reason for cautious optimism about the future. There was still, however, a long way to go. Growing awareness that protection of human rights provided the best insurance against war and underdevelopment gave rise to hope that the rights of the individual would be better protected in the twenty-first century than in the past.

STATEMENT BY MR. FELIPE PÉREZ ROQUE, MINISTER FOR FOREIGN AFFAIRS OF CUBA

40. Mr. PÉREZ ROQUE (Cuba) said that the Commission on Human Rights was currently more divided than ever and on the verge of reaching an irreversible point of disrepute. On the one hand, there were the representatives of the third world, hostages to debt, victims of the unfair international disorder, facing hunger, poverty, illiteracy and mother and child mortality. It was those countries, whose suffering had sustained the opulence of their exploiters, which always stood accused at the Commission. On the other hand, there were the representatives of the rich

and developed countries. They were the creditors, those who consumed almost everything produced in the world, those who squandered and polluted, forgetting that they owed their wealth to the third world. They were acting as accusers and judges.

41. The time had come to put an end to that hypocrisy and double standard. The United States had to explain why it had voted against considering famine, which affected nearly 1 billion people, as an outrage to human dignity and why, at the same time as it attempted to accuse Cuba, it refused to condemn the flagrant, large-scale human rights violations committed by the Israeli army against the courageous Palestinian people.

42. The truth was that the Commission on Human Rights continued to be an instrument in the service of the interests of the United States and its allies. The time had come to democratize the Commission. To do so, the developed countries had to recognize that they were not the absolute owners of the truth and renounce the racist notion that poor people could not be right. They had to be more tolerant and stop trying to impose a single model of democracy. The World Conference on Human Rights had reaffirmed that all peoples were entitled to self-determination and, by virtue of that right, were free to establish their political conditions. Cuba would continue to demand that the Commission cease being a hostage to unjustifiable interests, that it respect the rights of all countries and that it function in a transparent, objective and democratic manner.

43. The United States accused Cuba of human rights violations. Cuba rejected that despicable accusation and vigorously affirmed that there were no human rights violations in Cuba, that there was no justification whatsoever for the attempt to single out Cuba at the Commission and that the accusation was grounded solely in the pathological incapacity of the United States to accept Cuba as an independent country that no longer belonged to it. After 40 years of blockade, economic war, invasions, terrorist acts, assassination plots against Cuban leaders and biological warfare, the United States had decided to use the Commission on Human Rights to attack Cuba. The United States had the least moral authority of all countries to judge Cuba over human rights and democracy.

44. Contrary to what was happening on a daily basis in many countries, no one had ever seen the police in Cuba beating up demonstrators, throwing tear gas at them or using dogs or rubber bullets against them. Everyone knew that in Cuba leaders demonstrated alongside the people. The US State Department, in spite of its deep-rooted hatred for Cuba, had been obliged to recognize that there were no politically motivated deaths or disappearances in Cuba. In Cuba there had not been a single case of torture, murder or disappearance, not a single murdered journalist, not a single instance of a child being sold or kidnapped, other than the attempt to retain a Cuban child in the United States. Cuba had no death squads, no mothers and grandmothers demonstrating for the return of the bodies of their murdered children and grandchildren. In Cuba, the Government had never imposed on the people an International Monetary Fund structural adjustment programme and had never given the country's riches away to transnational corporations. If after 40 years of blockade and 10 years of dire economic constraints the Cuban people continued overwhelmingly to support their leaders, it was because the authority of those leaders was not based on money or corruption and because, since they had been elected democratically and transparently, they took account of their compatriots' needs and dreams and shared their difficulties.

45. That did not mean that Cuban society was perfect. Cubans were trying to obliterate centuries of marginalization and injustice, to raise the level of education and strengthen equality, social justice and citizen participation within the framework of a political system that was far more democratic than that of the United States. Cubans were struggling for an increasingly tolerant, democratic and cultured, and therefore freer society, a society that honoured the dignity of man and was free of violence, repression and deceit.

46. The countries seconding the United States in its attempt to accuse Cuba had no moral authority to talk about human rights. It was not possible to reject the blockade against Cuba while colluding with the United States in the manipulation to justify it. The peoples of Latin America knew that the Cubans were struggling for their rights, too. They remembered Cuba's solidarity during the time of United States-sponsored dictatorships that tortured, murdered and caused the disappearance of hundreds of thousands of people. They knew that Cuba was fighting for the rights of everyone in the third world, for an end to contempt and the establishment of a more equitable world.

47. No matter what the United States thought, Cuba would never give up its freedom, its independence, its socialist ideal, its anti-imperialism and its solidarity with just causes.

48. The United States wanted to organize the party calling for the annexation to the United States of a fragmented, weak Cuba. All those attempts were doomed to fail as were the humiliating pressures that the United States was exerting on members of the Commission to condemn Cuba.

49. The United States had turned the Cuban people into the freest on earth, a people that did not depend on its trade, credits or investment. Cubans enjoyed the rare and almost unique privilege of being able to tell the United States the truth from any rostrum.

50. Cuba did not accuse the American people, who were capable of being noble and idealistic. It accused a hegemonic system of domination and the selfish and rapacious political and economic order the United States was trying to impose on the world. Cuba had been asked to make a gesture to please the United States. On behalf of his people, the gesture that Mr. Roque had decided to make was to raise his fist and loudly proclaim the words that all Cubans had uttered for 40 years, every time they had been the victims of crime and aggression: "The fatherland or death! We shall overcome!"

STATEMENT BY MR. GARCIA-SAYAN LARRABURE, MINISTER OF JUSTICE OF PERU

51. Mr. GARCIA-SAYAN (Peru) paid tribute to the High Commissioner for Human Rights, who had worked to promote human rights throughout the world and to whom he wished every success in her future endeavours.

52. Peru had gone through an unprecedented institutional crisis marked by the reign of impunity and serious human rights violations. Having settled the crisis peacefully, the transitional Government headed by Mr. Paniagua was currently re-establishing the democratic

institutions destroyed by years of authoritarianism and corruption, guaranteeing protection of human rights and returning Peru to its previous position within the international democratic system.

53. As had been reaffirmed at the World Conference on Human Rights held in Vienna in 1993, and as proved by Peru's experience, well-established democracies with stable institutions that took care to respect the rule of law were essential for the implementation of human rights. For that reason, the only ambition of the transitional Government, whose Council of Ministers was currently presided over by Mr. Javier Perez de Cuellar, former United Nations Secretary-General, was to restore democracy.

54. With regard to the administration of justice, the Constitutional Court magistrates who had been removed had been reappointed and the court was fulfilling its role. In addition, electoral commissions, which had become technically independent bodies, were now able to guarantee free, fair and transparent elections. In December 2000, the Peruvian Government had established a working group whose task was to pave the way for the establishment of a truth commission in charge of investigating the cases of thousands of people who had fallen victim to forced disappearances, summary executions and torture in Peru between 1980 and 2000, and to set up a system of compensation for the victims.

55. The Government was also drawing up a global anti-corruption strategy. The Attorney-General had set up an ad hoc office tasked with bringing to book the perpetrators of crimes involving the former President, Alberto Fujimori, and his adviser, Vladimir Montesinos. The law of amnesty by which the previous regime had attempted to protect the perpetrators of serious crimes from justice had been declared null and void. The judicial authorities had been given effective tools to fight organized crime in the form of major legislation. Twenty-nine criminal investigations had been opened involving 150 people playing a key role in criminal organizations, 25 of whom were being held in custody. Three former armed forces commanders and a number of businessmen and senior civil servants were currently in prison.

56. In addition, Peru had re-established its ties with international human rights bodies. The Inter-American Court of Human Rights had just ruled in the case of the summary execution of 15 people by the "Colina" paramilitary group. Two former generals from the Intelligence Service involved in that affair had also been arrested. The Inter-American Commission on Human Rights currently had a backlog of over 300 cases of severe torture, forced disappearances and summary executions.

57. In addition, the transitional Government had signed a number of international treaties, namely the Rome Statute of the International Criminal Court, the Inter-American Convention on the Forced Disappearance of Persons, the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women, and the International Convention against Transnational Organized Crime.

58. Peru was strongly in favour of re-enforcing the structures of the United Nations High Commissioner for Human Rights and endorsed the adoption of new international instruments expanding the protection of human rights throughout the world.

59. He concluded by asking the international community to support the people of Peru in their historic undertaking to reconstruct democracy.

STATEMENT BY MR. GUSTAVO BELL LEMUS, VICE-PRESIDENT OF THE REPUBLIC OF COLOMBIA

60. Mr. BELL LEMUS (Colombia) expressed regret that the High Commissioner for Human Rights had decided not to seek reappointment and paid tribute to her exemplary work and courage.

61. Colombia's absolute priority was to bring about national reconciliation through dialogue and political negotiation. Barely two weeks previously, a delegation consisting of over 20 countries and international organizations had met with the Government and the rebel groups with a view to keeping abreast of recent progress in the peace process. Following that meeting, it had been decided to establish an official group of likeminded countries to provide the negotiations with political, moral, technical and economic support. Colombia was counting on that support to pursue its work in favour of peace and reconciliation. The overwhelming majority of Colombians supported the Government's efforts and wanted an end to the fighting, for only reconciliation and peace could ensure that they could effectively exercise their civil, social, economic and cultural rights.

62. Given the complex nature of the situation in the country, great care must be taken not to come to the hasty and fatalistic conclusion that institutions had collapsed and the Government had no political will. The high rate of citizen participation in the elections of mayors, governors and regional councillors was evidence of the vitality of democratic institutions and the determination of Colombians to live in a democratic State. The State and the Government found it difficult to deal with the destructive effects of the internal conflict, but they had nevertheless made unprecedented efforts to modernize institutions and honour their commitments to protect human rights. The Government had implemented a far-reaching policy to defend those rights and international humanitarian law, leading to remarkable progress in the fight against illegal armed groups (guerrillas and self-defence groups, who were the main agents of the acts of violence, including massacres, perpetrated in the country). The Government categorically denied accusations that there were ties between criminal groups and the forces of law and order and declared that all State forces were opposed to the self-defence groups. The Government had adopted a plan of action and set up a national centre to coordinate the fight against those groups. It had also established a financial brigade in charge of inquiring into the movement of funds from illegal activities and into the entities financing the groups in question. Numerous military operations had been carried out to arrest the members of illegal groups, over 700 of whom were currently in prison. With a view to the modernization and professionalization of the armed forces, the Commander-in-Chief had been given discretionary authority to discharge without notice any soldier suspected of having violated the fundamental rights of an individual or of having collaborated with illegal groups. In addition, most of the operations to spray unlawful crops had been carried out in areas where the self-defence groups were particularly active.

63. Colombia was endeavouring to protect the defenders of human rights and had set aside US$ 5 million for the protection of about 40 people. Requests for protection had increased as the number of acts of violence rose, but budget resources remained insufficient. Colombia asked for

the financial support of the international community to strengthen its protection programme. It also asked for the help of NGOs in order to pursue its plan of action for people displaced because of the conflict.

64. The Government's action had been especially fruitful in the legislative field. A new Military Penal Code had been adopted, by virtue of which members of the armed forces who had committed human rights violations would be brought before civilian and not military courts. The new Penal Code covered violations of international humanitarian law and made forced disappearance a crime. Henceforth, the law prohibited the enlistment of minors in the armed forces. The Government had acceded to the treaty establishing the International Criminal Court and planned to submit it for approval to Congress.

65. Colombia was aware that until it had found a negotiated settlement to the armed conflict and obtained agreements on respect for international humanitarian law, the rights of its citizens would continue to be systematically flouted. It must not be forgotten that the guerrillas were responsible for the violence in the country. They were the ones who carried out abductions, used anti-personnel mines, harassed the indigenous population and continued to enlist minors, thus widening the tear in the social fabric. The international community had to understand and support Colombia's struggle for peace, freedom and democracy.

ORGANIZATION OF WORK (item 3 of the agenda)

66. Mr. NOIRFALISSE (Belgium), speaking on behalf of the European Union, said that the Union had been prompted to take the floor under item 3 by the announcement by Mrs. Robinson, at the beginning of the session, that she did not intend to seek reappointment. The Union wished to express its deepest appreciation to the High Commissioner for the excellent work she had carried out during her tenure. Her steadfast efforts had enhanced her Office's profile and made the Palais Wilson a true hub and universal home for human rights. The High Commissioner had put human rights at the forefront of the international agenda and had mainstreamed human rights into all United Nations activities and programmes. The European Union also wished to thank the High Commissioner for her efforts to mobilize the international community with a view to reaching a consensus in the fight against racism, racial discrimination, xenophobia and related intolerance, in particular within the framework of the World Conference in Durban.

67. The European Union considered that the High Commissioner had fully implemented the difficult mandate entrusted to her, in a balanced manner and with great personal and professional integrity. During the special sessions and debates of the Commission held during her tenure, Mrs. Robinson had dealt with political issues impartially and had presented high-quality reports. She had actively contributed to the application of a rights-based approach to issues such as the eradication of poverty, the realization of economic, social and cultural rights and the implementation of the right to development. The Office's technical assistance and advisory services had expanded considerably and memoranda of understanding had been signed with requesting States. Thanks to cooperation with UNDP, overlap had been avoided and synergies of effort created within the United Nations system. In that context, it was regrettable that, in spite of positive responses from States to the Office's annual appeals, not all core activities were financed out of the United Nations regular budget.

RACISM, RACIAL DISCRIMINATION, XENOPHOBIA AND ALL FORMS OF DISCRIMINATION (item 6 of the agenda) (continued) (E/CN.4/2001/20, E/CN.4/2001/21 and Corr.1, E/CN.4/2001/22, E/CN.4/2001/NGO/5, E/CN.4/2001/NGO/11, E/CN.4/2001/NGO/28, E/CN.4/2001/NGO/38, E/CN.4/2001/NGO/41, E/CN.4/2001/NGO/57, E/CN.4/2001/NGO/58, E/CN.4/2001/NGO/61, E/CN.4/2001/NGO/62, E/CN.4/2001/NGO/73, E/CN.4/2001/NGO/155, E/CN.4/2001/NGO/162, E/CN.4/2001/NGO/164, E/CN.4/2000/NGO/11 and Corr. 1, A/55/304)

68. Mr. MBOMIO (North-South XXI) said that the victims of racism did not intend to content themselves with the impression made by the announcement of the World Conference to take place in Durban. During that Conference, the Africans demanding reparations for centuries of enslavement would have to be heard. It was their hope that the slave trade, the black holocaust, would finally be recognized as a crime against humanity by the international community, as had the Jewish holocaust committed during the Second World War. The World Conference against Racism had to be a solemn moment of truth, an act of recognition of the phenomenon of racism, not only in its traditional form but also in all its modern forms, which were essentially economic, social and cultural in nature. Indeed, modern racism consisted in transforming citizens into consumer machines, the only criteria for selection being their solvency. The "global village" was thus being transformed into a global discriminatory society dominated by a handful of wealthy people in a limited number of countries of the North to which the people of the South had no access.

69. The draft declaration and programme of action presented by the Conference secretariat at the meeting of the Intersessional Working Group held on 6 March in Geneva represented a huge step backwards in terms of the proposals made by regional groups, in particular the Santiago and Dakar declarations.

70. The fact that the World Conference would be held on the emblematic soil of South Africa also served as a reminder that apartheid was a hideous practice thanks to which white colonialists, whose strength was their only claim to legitimacy, had occupied the country's best land. The same racist phenomenon had appeared 50 years earlier in Palestine, where the State of Israel, made up of colonialists from around the world, occupied and surrounded Palestinian territory, administering it as so many Bantustans, at present under the leadership of a person who had once been involved in the Sabra and Chatila massacres.

71. The World Conference should denounce, fight and eliminate racism, a sine qua non condition for humanity to regain the close ties of neighbourliness and community described by Mrs. Robinson in her statement of 24 March 1999.

72. Mr. KIRKYACHARIAN (Movement against Racism and for Friendship among Peoples) (MRAP) observed that, in the face of the wide range of phenomena covered by the word "racism", the MRAP had decided to examine the term's definition. The preceding year it had proposed that the definition be "the overall effect of the interiorization of structural inequality", the word interiorization being understood in the sense of justification. That definition was of great practical value, for in the absence of an overall concept, anti-racism might be limited to the fight against effects whereas the causes, ever present, continued to produce fresh exclusions, giving the impression of a world struggling to catch up.

73. As the MRAP had indicated in its document on the issue (E/CN.4/2001/NGO/155), the definition of racism as the justification for a structural inequality facilitated understanding of the relationship between racism and immigration, racism and poverty, racism and inequality, and so forth. It also made it easier to understand why major States were witnessing the emergence of new and very acute forms of racism.

74. It would be a source of concern if the World Conference did not adopt practical resolutions that were truly binding on the participating States. The resolutions should concern inter alia the penal repression of racism, the struggle against discrimination and the plight of migrant workers, their families and the children born to immigrants, who were not fully integrated. That was the first of many first steps to be taken.

75. Ms. LI (Transnational Radical Party) introduced herself as a practitioner of Falun Gong, a movement subjected to brutal repression in China since 1999. Her father, also a Falun Gong practitioner, had left China after being imprisoned, leaving his family behind. She had sought refuge in the United Kingdom, where she was a student. Since her father's departure, Ms. Li's family had faced growing hardship.

76. Mr. SHEN Yongxiang (China), speaking on a point of order, said that the speaker's statement had absolutely nothing to do with the agenda.

77. The CHAIRMAN, after having asked the speaker to keep to the agenda, told her that she would have the opportunity to speak under other agenda items. The agenda item under discussion was racial discrimination and not discrimination on religious grounds.

78. Ms. RAJAKUMARI (Pax Romana) said that the situation of young people was of major concern. Pax Romana therefore welcomed the encouragement given by the High Commissioner for Human Rights regarding youth participation in the World Conference against Racism to be held in 2001. In doing so, Mrs. Robinson recalled that children and young people were sometimes not only victims but also victimizers. They killed and were killed, they were tortured and had tortured others. Certain regional preparatory meetings had reflected those concerns but rather superficially. Young people should not be present at the World Conference as mere witnesses but as active participants.

79. Pax Romana's other concern related to the caste-based discrimination affecting approximately 260 million people in Asia. In India, for example, in violation of the Indian Constitution, people belonging to certain castes - the "untouchables" - were allowed to embrace only the Hindu, Sikh or Buddhist religions. They could belong to no other religion.

80. Lastly, Pax Romana noted with concern that a large number of countries from the Asia and Pacific region had not ratified the International Convention on the Elimination of All Forms of Racial Discrimination. In addition, only one fifth of those which had ratified had accepted the competence of the Committee on the Elimination of Racial Discrimination under article 14.

81. In conclusion, Pax Romana wished to make three recommendations. First, States should actively involve young people in the struggle against racism at all levels. Secondly, young people should be an integral part of every stage of the World Conference against Racism, and

should be co-architects of the draft declaration and plan of action. Thirdly, Pax Romana urged all Member States to ratify the International Convention on the Elimination of All Forms of Racial Discrimination and to comply with the obligations thereby contracted.

82. Mr. HASAN (International Institute for Peace) considered the history of Bangladesh the perfect example of criminal violence brought about by intolerance and racism. Imbued with an ideology very close to that of the Nazis, the Pakistanis had always considered themselves to be superior to the Bengalis. For that reason, when the latter had decided to choose their own leaders, the Pakistani military junta had reacted with massacres on a scale tantamount to genuine ethnic cleansing. The main victims of Pakistani discrimination were the Hindus among the Bengalis, whom General Niazi had called "monkeys". During the Bangladesh war of liberation, in 1971, Pakistani troops had eliminated 3 million Bengalese, including countless Hindus killed merely because of their religion, and carried out mass deportations. Bangladesh had been put to fire and the sword and had not yet repaired all the material and psychological damage that the racist savagery of the Pakistani troops had inflicted.

83. Mr. BENNET (Afro-Asian People's Solidarity Organization) said that the human tendency to believe that one group was superior to another had been a bane leading to destruction, as had recently been demonstrated in the former Yugoslavia, Afghanistan and Rwanda. It was unfortunately true that the origins of the scourge of discrimination based on religion and race lay in predominantly white nations. The crusades, colonization and slavery were the precursors of Nazism, neo-Nazism and the discriminatory immigration policies of modern, developed nations which looked at the colour of a person's skin before opening their doors.

84. The World Conference against Racism was therefore a timely opportunity to shape a new world order in which every country was forced, if not totally to eradicate discrimination, at least severely to punish it. Attempts were currently being made in certain quarters, however, to include unrelated considerations in the definition of racism, to define societies based on a specific system of division of labour as racist, incriminating the caste system. That represented an attempt to divert attention from the true problems, such as neo-Nazi acts of aggression in Germany or the growth of exclusivist parties that denied equality to those with a darker skin. The World Conference must be clear: apartheid may have been dismantled, but there continued to exist a thousand other battles to be fought against discrimination.

85. Mr. THARAKAM (Robert F. Kennedy Memorial) observed that discrimination based on descent, and not only on race, was also covered by the International Convention on the Elimination of All Forms of Racial Discrimination, and that in that respect the caste system constituted one of the most destructive forms of discrimination. The Seminar of Experts on Migrants and Trafficking in Persons, held in Thailand in September 2000, had noted that caste discrimination was often a root cause of trafficking and migration. The Commission on Human Rights therefore had to call on all countries to campaign with a view to having the World Conference against Racism, Racial Discrimination, Xenophobia and Associated Intolerance address that kind of discrimination and identify concrete measures to end it. The Commission should support the appointment of a special rapporteur to monitor the problem, which affected at least 240 million people around the world. The countries in which such practices existed had to enact or enhance measures to combat descent-based and caste discrimination. Lastly, all

Governments should fully accept and implement the recommendations issued by the Committee on the Elimination of Racial Discrimination, the Sub-Commission on the Promotion and Protection of Human Rights and other human rights bodies. The resolution entitled "Discrimination on the basis of work and descent", adopted in August 2000 by the Sub-Commission, was particularly relevant.

86. Ms. LUPING (Cairo Institute for Human Rights Studies) believed that the international community had an obligation to ensure universal respect for human rights, including the fundamental right to protection against discrimination of the Palestinian people. The Palestinians were one of the indigenous peoples on the lands of Israel and Palestine; they had lived there for millennia. By protecting them against discrimination and by holding Israel to account, the international community would not be discriminating in any way against the Jewish people, but simply helping to eliminate discriminatory Israeli policies. The Israeli military had always clearly stated its twin aims: to ensure the domination of the Jewish majority in Israel and the occupied territories and to bring about segregation and geographical, economic, social and cultural separation between the Palestinians and their Jewish neighbours. That policy applied to Palestinian Israeli citizens living in Israel and to Palestinians living in the occupied territories.

87. The discriminatory and segregationist policies of Israel were strikingly similar to those adopted in apartheid-era South Africa and in illegally occupied Namibia. It was only thanks to the measures taken by the international community, in particular the United Nations, that discrimination and apartheid were brought to a halt. Accordingly, the Cairo Institute for Human Rights Studies asked the international community to take measures, impose sanctions and decree a boycott against Israel, as it had against South Africa, to protect Palestinians and combat the last apartheid regime.

The meeting rose at 1.05 p.m.

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COMMISSION ON HUMAN RIGHTS

Fifty-seventh session

SUMMARY RECORD OF THE 15th MEETING

Held at the Palais des Nations, Geneva,
on Tuesday, 27 March 2001, at 3 p.m.

Chairperson: Mr. DESPOUY (Argentina)

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The meeting was called to order at 3.10 p.m.

STATEMENT BY THE MINISTER FOR FOREIGN AFFAIRS OF AFGHANISTAN

1. Mr. ABDULLAH (Afghanistan) said it was essential that every human right should be enshrined in the legal order of every State. Islam - the first historical basis for human rights principles - taught brotherhood, tolerance and respect for others and its message transcended ethnic, linguistic, racial and sexual barriers. The Holy Koran recognized equality between Adam and Eve, man and woman. Islam sometimes, however, fell prey to extremist minority movements which distorted the religion's image and posed a danger above all to Muslim people. The responsibility for combating and denouncing such fanatics lay primarily with Muslim peoples and Governments.

2. The Afghan people were currently suffering the most barbaric, inhuman and ignominious form of totalitarian fanaticism at the hands of the Taliban. The overwhelming majority of Governments, institutions and intellectuals in the Muslim world had unequivocally condemned the actions of that group. Pakistan, however, continued to support the Taliban by military and other means: a suicidal policy which deprived that country of any right to speak in the name of Islam and of tolerant Muslims.

3. The international community must face up to its responsibilities. The defence of human rights did not consist merely of making declarations of principles; the large-scale and systematic violations of human rights being committed demanded appropriate measures. Regrettably, the sanctions imposed on the Taliban by the Security Council took no account of their violations of human rights, in particular their imposition of sexual apartheid in the areas under their control.

4. The central and northern regions under his own Government's control were currently being subjected to an economic blockade which threatened the lives of hundreds of thousands of women and children. International assistance was urgently required to remedy the dire humanitarian situation in Afghanistan.

5. The Berlin Wall had gone, but the world was still divided into two. It was a planetary village in which some did not hear the cries of distress of others. Globalization was only exacerbating poverty and the developed countries must cooperate with the developing ones to enable them to realize the full range of rights for their peoples.

6. The recent designation by the International Criminal Court of the raping of women and of the destruction of cultural heritage during armed conflict as war crimes and crimes against humanity offered a ray of hope to the thousands of women raped by the murderers of their families, including those in Afghanistan. The savage destruction by the Taliban of pre-Islamic works of art and unique statues of Buddha had shocked the international community and Afghan people alike. Those masterpieces had symbolised a dialogue between East and West, bearing witness to the deeply rooted nature of the religious and cultural tolerance of the Afghan people. The word "tolerance", however, did not exist in the Talibans' vocabulary. Those representatives of Buddhist countries who had sent emissaries and letters to the Pakistani authorities had accurately identified the real instigator of a barbaric act in which the Afghan people had significantly played no part.

7. His own Government - despite facing innumerable difficulties arising from the conflict forced upon it - made every effort to ensure respect for human rights. In the part of the country under its control, all ethnic groups enjoyed political representation. There was freedom of association and expression, and the Association of Afghan Women was active. Girls and women had access to education at all levels and were active in the public service, working as doctors, nurses and teachers. They also enjoyed unrestricted access to health services without charge. The Government was not fully satisfied with the current situation, which however represented a minimum to be preserved at all costs.

8. In the part of the country under his Government's control, there were no political prisoners and human rights representatives and non-governmental organizations (NGOs) were welcome, especially those concerned with women's rights.

9. A solution capable of bringing an end to the suffering of the Afghan people must be a political one. Its foundations must be solid, since peace could be based only on the rule of law, democracy, respect for human rights and the participation of all groups in government. Moreover, the rights of Afghan women must be fully recognized. As a first step, a Grand Representative Assembly could be convened under the auspices of the United Nations to adopt the necessary emergency measures. While Pakistan continued to interfere in the internal affairs of Afghanistan, peace would be difficult to attain, hence the importance of international support.

RACISM, RACIAL DISCRIMINATION, XENOPHOBIA AND ALL FORMS OF DISCRIMINATION (agenda item 6) (continued) (E/CN.4/2001/20, 21 and Corr.1 and 22; E/CN.4/2001/NGO/5, 11, 28, 38, 41, 57, 58, 61, 62, 73, 155, 162 and 164; E/CN.4/Sub.2/2000/11 and Corr.1; A/55/304)

10. Ms. SPALDING (World Federation for Mental Health), speaking also on behalf of the Women's Sport Foundation, said that young people had come from around the world to attend the Youth Empowerment Summit during the fifty-second session of the Sub-Commission on the Promotion and Protection of Human Rights in the hope that the United Nations would have the capacity to listen, reflect and act for the advancement of humanity. Participants in the Commission's sessions often appeared caught up in its political and issue-centric hustle and bustle and in a perpetual race to be heard. She wondered, however whether there was any real listening or constructive follow-up. The process of being listened to and understood was a key component of the mental health of individuals and of communities.

11. Although young people were sometimes heard, they were rarely involved in working on issues that might actually affect their lives. All too often, they were isolated from the substantive work of human rights bodies. Young people, however, could act as catalysts for the eradication of racism. A Lakota young woman at the Youth Empowerment Summit had said that the youth of her tribe not only considered their voices to be unheard in the non-indigenous world, but assumed that they did not even deserve to be heard. Another had asked that humanity be "put back into human rights". Such young people did deserve to be heard. They had, in fact, drafted a youth resolution which was reflected in a Sub-Commission summary record.

12. Mr. PUNJABI (Himalayan Research and Cultural Foundation) said that the role played by the United Nations in combating racial discrimination was gaining universal appreciation. As

had been acknowledged in the preparations for the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, intolerance thrived on fear of what was different - fear of the loss of personal security - and human fear in itself was ineradicable. Efforts should thus be focused on means of achieving human integration that would reduce the potential of inter-cultural antipatnies. Any efforts to humanize the world must begin with the humanization of the aspirations of communities and with the creation of conditions in which they would feel less threatened.

13. It remained to be seen how democratic values could be promoted without certain negative consequences. All too often in the developing world, the electoral mechanism, with its emphasis on the politics of numbers, favoured mass-mobilization based on the stimulation of primordial loyalties. State machinery tended to support the discriminating policies of the majority, discouraging diversity as being somehow unpatriotic. As a consequence, the intolerance of neighbouring groups was stimulated, leading to an never-ending spiral of xenophobic reactions from collectivities that had shared the same geographic space for centuries.

14. The spectre of the Taliban and its attendant cult of intolerance threatened to infect the fledgling democracies of the region and was the chief enemy of diversity. Moreover, many groups viewed globalization's emphasis on uniformity as an affront to their cultural separateness and responded with still greater conservatism.

15. The use of the Internet to disseminate hatred was a matter of particular concern. States must pledge their commitment to plurality and diversity and international pressure must be brought to bear to guarantee non-discrimination at all levels of government.

16. Mr. PARY (Indian Movement Tupaj Amaru) said that racism had originated with the conquest and subsequent colonization of the Americas and had led to the plundering of wealth, globalization, a heavy debt burden and extreme poverty. The right of the victims of racism to compensation should be a central issue for the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance. The Conference should also be an opportunity for establishing the historical truth regarding the effects of colonialism, namely, the violent dislocation of the social structure of ancestral civilizations, the annihilation of their cultures, the upsetting of the balance between man and nature and the denial of the victims' identity.

17. Colonialism had led to the extermination of 90 million of the 170 million Indians living throughout the Americas and to the enslavement of the survivors who had been treated not as humans but as beasts. The writer, Eduardo Galeano, estimated that the bodies of 8 million Indians lay in the silver mines in Potosí, Bolivia. One historian estimated that the conquistadores had carried off some 16,000 tons of silver and 200 tons of gold from the Americas. The wealth of Western Europe had been founded on the riches seized from the indigenous peoples.

18. Accordingly, the international community should examine its conscience, admit that racism and colonialism had been a Western phenomenon, apologize for the human tragedy it had caused and agree to compensate the victims for the material and moral injury resulting from colonization.

19. Ms. PARKER (International Educational Development Inc.) said her organization was concerned at the serious increase in racist activities in the world. International law provided a powerful remedy for groups subjected to a racist regime over a prolonged period, which was the right to self-determination. The situation of the Tamil people in Sri Lanka clearly met the criteria. The Commission was well aware that, following the end of British colonial rule, the Tamils had suffered extreme racism at the hands of the Sinhala majority. The Government of Sri Lanka had resorted to extreme anti-Tamil rhetoric which had even begun to infect Governments that should know better. Thus, an ambassador of a major European Power had recently commented that she was content to be posted to Sri Lanka because it was a "Buddhist country", ignoring the fact that the Tamils were Hindu, Christian and Muslim. In the context of the 18-year war in the country, such a position could only be viewed as racist.

20. Meanwhile, the Government of Sri Lanka was preventing humanitarian assistance from reaching 900,000 Tamils in dire need and was maintaining a blockade on Tamil areas. It appeared that even Tamil children were viewed as the enemy. Indeed, the Government was clearly seeking a military rather than a negotiated solution to the conflict. Not only had it not reciprocated the ceasefire unilaterally declared by the Liberation Tigers of Tamil Ealam (LTTE) the previous week, but it appeared not to be cooperating with the Norwegian peace initiative which was being undertaken in a spirit of true neutrality.

21. Mr. NAFEH (International Young Catholic Students) said that students also faced problems associated with intolerance and racism. Certain educational systems perpetuated such entrenched phenomena, promoting difference in such a way as to make it a source of conflict. Students also felt the need to "belong" and in their search for an identity joined groups, sometimes of a violent nature.

22. Students dreamed of a society that placed the human being at its centre, was respectful of diversity and offered equal opportunities for all. In such a society, schools and universities would promote tolerance while recognizing the unique identity of each student. The Commission for its part should encourage networks of solidarity between young people and contribute to the establishment of institutional machinery for promoting the sustainable development of all countries.

23. Ms. NAYAK (Indian Council of Education) said that the real problem faced by the Dalits of India was not due to institutionalized racism, but to the ineffective implementation of a whole plethora of legal and administrative provisions designed to curb discrimination, and to entrenched attitudes in many parts of Indian society. The caste system, though not based on race, denied equal opportunity to large numbers of people, fashioned as it was from a centuries-old socio-economic structuring of society. Despite significant Dalit representation in the national parliament and increasing levels of literacy among a group that had long been denied access to education, discrimination against Dalits persisted and was often accompanied by violence. The World Conference would do Dalits a great disservice, however, if it treated their predicament as a racial problem, since the discrimination they faced was primarily a denial of social equality and opportunity.

24. Mr. BARNES (Indigenous World Association) said that colonialism was a form of racial discrimination that persisted in Alaska, Hawaii, Puerto Rico and elsewhere. It had resulted in the destruction of the cultures of many indigenous peoples and sometimes even in their outright extinction.

25. Not all factors had been taken into account at the time of the adoption of General Assembly resolution 1469 (XIV) concerning the cessation of the transmission of information under article 73 e of the Charter in respect of Alaska and Hawaii. In effect, the United States of America had stolen Alaska and Hawaii.

26. Moreover, in the case Tee-Hit-Ton Indians v. United States, the United States Supreme Court had applied the racist doctrine of manifest destiny in turning down the request by those Indians of Alaska for compensation.

27. Noting that the representative of the United States had said that her Government opposed racism in all its forms and manifestations and was committed to the success of the forthcoming World Conference, he called on the United States to recognize and eradicate the genocide and racial apartheid in Alaska. He called on the Commission to examine colonialism and racial apartheid in Alaska, as it had done in the case of South Africa and he called upon the Governments to recognize the sovereign independence of Alaska. He intended to lodge a diplomatic protest against the United States and the United Nations for not allowing due process in the case of Alaska.

28. Mr. CHAPMAN (Minority Rights Group) said that the situation of the Batwa, an indigenous people found in Burundi, the Democratic Republic of the Congo, Rwanda and Uganda, had been generally overlooked. A recent report by his organization had found that the Batwa suffered from systematic discrimination through negative stereotyping (they were regarded as uncivilized and as poachers), segregation and the denial of basic human rights. They were often unable to get basic schooling, even in areas where other ethnic groups were well educated.

29. International development relief agencies likewise often ignored the Batwa, who had been neither consulted nor compensated for the impact of development or conservation projects in the areas they inhabited.

30. The Governments of Burundi, the Democratic Republic of the Congo, Rwanda and Uganda should recognize the Batwa as indigenous people and demonstrate their commitment to respecting that people's rights by fulfilling the obligations they had entered into under the African Charter on Human and Peoples' Rights and the International Convention on the Elimination of All Forms of Racial Discrimination. They should also ratify and implement ILO Convention No. 169 concerning Indigenous and Tribal Peoples in Independent Countries and support the adoption of the draft Declaration on the Rights of Indigenous Peoples. Finally, development agencies should recognize the right of the Batwa people to participate fully in all decision-making processes regarding development projects affecting them.

31. Mr. GONZALES (International Indian Treaty Council) said that one issue of particular importance to his delegation was the pervasive prejudice against indigenous peoples' spiritual practices among the dominant religions aided by the States. Sacred sites were destroyed, offerings scattered and, in some States, those found at prayer were beaten or even killed.

32. Another was environmental racism, namely, the disproportionate burden borne by racial minorities, indigenous peoples and the poor of environmental degradation caused by oil refineries, chemical plants and pesticides. For indigenous peoples in the United States, it had also meant the placing of nuclear and industrial waste on reservation lands. Elsewhere in the world, the impact of such racism was felt in terms of contaminated water and destruction of habitat.

33. Another aspect of environmental racism was that of racism by one State against another. The dumping of toxic wastes by the North in poor countries of the South was racist. Similarly, under the terms of the "Plan Colombia" the United States proposed to eradicate drug production in Colombia through widespread application of glyphosphate, a deadly chemical that killed all plant and animal life, posing a substantial threat to human life and well-being. The Plan had been condemned by the Worldwide Fund for Nature and many indigenous organizations. Aerial spraying of that herbicide had already begun to displace people, primarily indigenous peoples; Colombia's neighbours would also be affected. Given the "beneficiaries" of the Plan, it was clearly racist.

34. A disproportionately high number of native Americans were incarcerated, largely due to inadequate legal representation and discrimination in the criminal justice system. In the United States, where the death penalty was still applied, a disproportionate number were awaiting execution.

35. He had been encouraged to hear the Minister for Foreign Affairs of Mexico acknowledge the existence of racism and discrimination in his country and hoped that that signalled a new course for a more diversified Mexico in which the indigenous peoples might participate openly.

36. He concluded by urging the Commission to address the issue of religious freedom and the sacred sites of indigenous peoples in the final document of the World Conference.

37. Mr. MASOOD (International Human Rights Association of American Minorities) said that the World Conference should indeed call for an apology for the slave trade and colonialism and the return of stolen cultural property and artefacts. Former colonizers could make amends for past actions by writing off the debt of developing countries.

38. It should also declare the situation in the occupied Palestinian territories a matter of urgent international concern and urge the Israeli Government to allow the repatriation of Palestinian refugees and put an end to its blockade of Palestinian towns and territories.

39. Neocolonialism was causing as much suffering as the colonialism that had preceded it. Globalization and economic and political domination by the developed countries hindered the exercise of the right to development and perpetuated poverty and underdevelopment. Developed

countries were using economic sanctions as a political weapon against developing countries. Such sanctions could not be lifted because of the undemocratic structure of the United Nations Security Council.

40. The World Conference should therefore reject neocolonialism and call for the democratization of the global economic and political order and of the Security Council.

THE RIGHT TO DEVELOPMENT (agenda item 7) (E/CN.4/2001/24-26; E/CN.4/2001/NGO/3, 6, 12, 42, 83, 147, 165 and 175; E/CN.4/2001/WG.18/2; A/55/302)

41. Mr. DEMBRI (Algeria), Chairperson-Rapporteur of the Open-Ended Working Group on the Right to Development, introducing the Working Group's report (E/CN.4/2001/26) said that it consisted of two parts: the first was an account of the Working Group's discussion and a series of annexes relating thereto; the second comprised his own conclusions together with the comments thereon by various delegations. In that connection, he drew attention to paragraphs 157 to 168 which referred to the circumstances that had led him to submit those conclusions on his own responsibility.

42. The conclusions covered the report of the independent expert, national action and international action for the realization of the right to development and the future work of the Working Group.

43. Numerous proposals had been made by various delegations concerning the topics to be considered by the Working Group and another session of the Working Group should be held before the next session of the Commission. His general approach within the Working Group had been to seek consensus, and by the end of its last session there seemed to be significant agreement regarding much of the report, but unfortunately without unanimous support. He had requested delegations dissenting from his conclusions to submit their observations and comments in writing. The debate had been an encouraging one even though, unanimity had not been achieved.

44. Mr. SENGUPTA (Independent expert on the right to development) said that the right to development was a complicated one and it was unrealistic to expect an immediate and unanimous consensus on all its aspects. However, a great deal of progress had been made, and the momentum should be maintained. The right to development was a process which did not stop, and it had been accepted as a human right. It was incumbent upon States and the international community to find ways of bringing it about. The "development contract" was one method of international cooperation, but it was not supposed to be universally applicable. It had to take account of national and regional experience.

45. He had recently visited the Philippines and Indonesia and, following discussions at the Asian Development Bank in Manila, he had come to the conclusion that it was essential in any kind of development that a social safety net be constructed. Indonesia had made great progress since its financial crisis, and provided a good example of a properly devised programme of assistance by the international community. He would be reporting on his visit in greater detail to the Working Group.

46. Mr. MOLANDER (Observer for Sweden), speaking on behalf of the European Union and the associated countries of Bulgaria, Cyprus, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Romania, Slovakia, Slovenia and Turkey, said that the Union would, in cooperation with the international community, work towards achieving the goals reiterated at the Millennium Summit to reduce by one half the number of people living in extreme poverty by 2015, to promote gender equality and the empowerment of women as effective ways to combat poverty, hunger and disease, and to stimulate a truly sustainable development.

47. The Union welcomed the message from the World Summit for Social Development that the promotion and protection of human rights were essential for the realization of social people-centred development. It strongly believed that the promotion and protection of human rights should form an integral part of any policy to combat poverty, and welcomed the fact that the Human Development Report 2000 of the United Nations Development Programme (UNDP) focused on the interrelation between human rights and human development.

48. The right to development was a universal and inalienable human right. Primary responsibility for ensuring its realization for all lay with the State, which had a duty to promote and respect the principles of full participation, non-discrimination and equitable distribution of the fruits of development. Special attention should be given to the situation of groups that had traditionally experienced exclusion or discrimination.

49. The significance of creating a favourable international environment, including the prospects of adequate support from the international institutions, should not be underrated, since for many poor countries such an environment would facilitate the pursuit of sound national policies. Special attention needed to be given to persons with disabilities, minorities and indigenous peoples in order to ensure their full participation in the development process. Mainstreaming of gender aspects and supporting equity of rights were key factors for sustainable development.

50. The right to development was inextricably linked to civil, political, economic, social and cultural rights, and the denial of any of those rights would tend to deny the right to development itself. The Union fully supported the cooperation and Memorandum of Understanding between the High Commissioner for Human Rights and UNDP, as well as the Human Rights Institutional Strengthening (HURIST) project. It also welcomed the efforts by the Office of the High Commissioner for Human Rights (OHCHR) to integrate human rights into the processes of the Common Country Assessment and the United Nations Development Assistance Framework.

51. The Union welcomed the deepening dialogue between the High Commissioner and the World Bank, as well as the World Bank's concepts for the Comprehensive Development Framework and Poverty Reduction Strategy Papers of poor countries. The participation and commitment of the High Commissioner in contributing to those concepts was of crucial importance to their work.

52. The Union was encouraged by the work done by the independent expert, and regarded his reports as a useful basis for further consideration of the implementation of the right to development.

53. The Vienna Declaration and Programme of Action stated that democracy, development and respect for human rights and fundamental freedoms were interdependent and mutually reinforcing. There were many aspects to good governance: it meant allowing civil society and the private sector to flourish and recognizing their catalytic role in the realization of the right to development; it also meant a Government accountable to its citizens and policies that were aimed at sustainable individual-centred development.

54. The Union reaffirmed its commitment to the United Nations target to allocate 0.7 per cent of gross national product (GNP) to development assistance, and wished to emphasize the need for sound budget allocations and the efficient use of development funds. Although international peace and security were essential for the realization of the right to development, military spending continued to be high and the Union therefore emphasized the need for setting priorities in government expenditure that were in favour of development.

55. In that context, the external debt levels of many countries remained a source of concern, and the Union considered that concerted action by the international community and multilateral financing institutions was essential. It welcomed the enhanced heavily indebted poor countries (HIPC) initiative. It called upon all relevant parts of the United Nations system to reinforce their collaborative efforts in adopting measures at the national and international levels to fight the HIV/AIDS epidemic, which posed a real threat to efforts to achieve sustainable human development.

56. Finally, the Union welcomed the fact that, in recent years, the Commission had been able to adopt resolutions on the right to development by consensus, and would welcome a new consensus resolution as a basis for further and more vigorous progress in implementation of the right to development. It reiterated its willingness to continue the negotiations on the basis of the consensus elements reached in the Open-Ended Working Group.

57. Ms. MOHAMED (Kenya), speaking on behalf of the African Group, said it welcomed all the efforts that were being made to operationalize the right to development, recognizing in particular the efforts of the independent expert to clarify the state of progress in implementation of the right and to elaborate on strategies for its implementation, including the notion of a development contract. The Group was keen to see him develop that notion further and draw up an operational model. It agreed with him that national action was of primary importance but had to be complemented by international action and that, with the increased integration of the global economy, State policies and actions at the national level were circumscribed by the interaction between States, policies adopted by other States and institutions and the overall international environment.

58. The Group acknowledged the efforts of the Chairman of the Working Group on the Right to Development to bring together all the relevant institutions and key players to work with States in an endeavour to develop a common framework and to agree on a set of principles to operationalize the right to development, although it would have liked to see much more progress being made. It believed that there could be more fruitful and progressive sessions in the future. It called upon the Commission to endorse the Working Group's report and renew its mandate and also that of the independent expert for a further year. In that connection, the Group believed that the Working Group would find that a 10-day session would enable it to make more progress.

59. The Group urged all States to honour their commitments with regard to the right to development, and expressed the hope that the international community would focus more on the importance of that right in the alleviation of poverty. Future sessions of the Working Group should take into account the enormous impact on development in Africa of preventable diseases, particularly HIV/AIDS and malaria.

60. Lastly, the Group called for the negative effects of globalization to be addressed within the process of implementation of the right to development, with a view to harnessing its potential for the advancement of all peoples.

61. Mr. IBRAHIM (Syrian Arab Republic) said that the right to development was bound up with the most basic aspects of life: food, health, education and social and economic security. Any optimism engendered by the Commission's repeated resolutions on the issue was dissipated, however, by the reality on the ground. Developed countries failed to help the developing ones and the gap between the two was widening, exacerbated by the technical divide and the lack of transparency. Developed country markets were closed to the developing countries and, where goods were accepted, the prices offered made them unprofitable. Poverty threatened to become endemic in some countries. Indeed, rather than seeing the elimination of poverty, the world might see the elimination of the poor themselves. The independent expert and the Open-ended Working Group on the Right to Development had made some useful recommendations.

62. International assistance was beneficial to the giver as well as to the recipient. For example, immigration from overpopulated countries could be curbed and the level of productivity raised, with a general improvement in living conditions. Desertification, too, could be reversed, if enough resources were allocated. The money spent on armaments by a single country to maintain its world hegemony would pay for the health needs of many developing countries.

63. Armed conflict, too, had a paralysing effect on development, as could be seen in Palestine, where Israeli forces had uprooted trees and trampled agricultural land, thus impoverishing both the Palestinians and the inhabitants of the Syrian Golan. He called for the Commission to show solidarity, so that the people of that area could enjoy their right to economic and social development.

64. Ms. DIALLO (Senegal), after endorsing the statement made by the representative of Kenya, said that, 15 years after the proclamation of the Declaration on the Right to Development, most human beings were sinking ever more deeply into poverty, with the attendant instability and tensions that prevented the full enjoyment of human rights. In many countries, the indicators of social development in the fields of education, health, food and environmental protection, exacerbated by the effects of globalization, were negative. Moreover, the incidence of endemic diseases, such as malaria, tuberculosis and AIDS, was growing exponentially.

65. In sub-Saharan Africa, 59 per cent of the rural population and 43 per cent of the urban population lived below the poverty line. Other factors contributing to that situation were the drop in Official Development Assistance (ODA), the growing burden of debt and the many tariff

and non-tariff barriers that prevented access by African exports to the world market. Moreover, States were faced by increasing internal and external constraints that weakened their basic role of promoting and protecting their peoples' economic, social and cultural rights.

66. It was intolerable that, in the age of the Internet and other new technologies, millions of men and women continued to live in misery. The interests of political stability and lasting peace in the world would also be served if the situation were rectified. Development was not a battle which one side won at the expense of the other. The world's growing interdependence meant that each State had to conduct its economic policy with an eye to other countries' interests. Indeed, more than ever before, there was a need for a responsible and mutually beneficial partnership, based on universal values, leading to renewed international cooperation and a more development-oriented United Nations system.

67. Her own country had always worked for development and, to that end, had made efforts to improve its national environment at the political and economic level. The new Government had also embarked on radical constitutional and legislative reform, in close cooperation with civil society, as well as working to increase regional and subregional cooperation. International cooperation was also useful, although the weakness of her country's productive capacity and the unbalanced nature of international economic and trade relations still gave cause for concern.

68. Her delegation supported the renewal of the mandate of the Open-Ended Working Group on the Right to Development and of the independent expert, who had achieved some notable results.

69. Ms. CARVALHO (Mexico), speaking on behalf of the Latin American and Caribbean Group, said that with the adoption of General Assembly resolution 41/128, the Vienna Declaration, the United Nations Millennium Declaration and, most recently, Commission resolutions 2000/1 and 2000/5, the international community had laid the conceptual and definitional groundwork for the realization of the right to development. The time had thus come to focus on giving effect to those principles.

70. The Group, which had played an active part in the Open-Ended Working Group on the Right to Development, had been encouraged by the interest and enthusiasm displayed by delegations from every region. The agreement reached boded well for the future, although there remained a number of points that required deeper consideration. The Working Group's efforts would be successful if enthusiasm was maintained and all participated on the understanding that the realization of the right to development was beneficial for all.

71. The conclusions of the Working Group's Chairperson provided a good basis for future work and she therefore supported the extension of the Working Group's mandate, as well as that of the independent expert, who must be provided with sufficient financial and technical resources. The expert should undertake studies of the impact on the enjoyment of human rights of the economic factors listed in paragraph 188 of the Working Group's report (E/CN.4/2001/26).

72. There was no hierarchy of human rights. The right to development, like civil and political rights, required a follow-up mechanism; and that should be one of the tasks undertaken

at subsequent sessions of the Working Group. Whatever form it took, the mechanism should be based on the principle of cooperation and solidarity among States, should function both nationally and internationally and should be action-oriented.

73. Mr. MORA GODOY (Cuba) said that his delegation felt bound to denounce the permanent violation of the right to development by the powerful nations and their lack of political willingness to implement that right. The world contained over 800 million hungry people, a billion illiterates, 100 million people living on the streets and 11 million children under five who died every year of preventable causes. Half the world's population lived on less than US$ 2 a day and 1.3 billion on less than US$ 1.

74. The countries members of the Organisation for Economic Cooperation and Development (OECD), which had 19 per cent of the world population, accounted for 71 per cent of the world trade in goods and services, 58 per cent of foreign direct investment (FDI) and 91 per cent of Internet users. Meanwhile, ODA had decreased from the pledged 0.7 per cent to 0.2 per cent of GNP. Among other statistics, he noted that the wealth of the three richest persons in the world was greater than the entire GNP of the 48 least developed countries with their 600 million inhabitants. While the richest 20 per cent of the world's population consumed 45 per cent of all the meat and fish eaten in the world, the poorest 20 per cent consumed less than 5 per cent. The cost of one nuclear weapon was equal to the education budgets of 23 developing countries.

75. Developing countries must have the right to have improved access to international markets and be given special treatment in order to participate fairly in the world economy. A durable solution to the foreign debt problem must also be found. It was noteworthy that, within a decade, Germany had been enabled to cancel its debt from two World Wars, whereas the developing countries which had fought against fascism had not been helped to improve their miserable lives.

76. Another atrocious example of the lack of political will shown by developed countries was the scandalous dispute in the World Trade Organization (WTO) between the United States and Brazil arising from the latter's decision to apply a domestic law to break the patents of transnational corporations that refused to manufacture AIDS medications or overcharged for them. Brazil was not trying to break the trade rules but to strengthen the battle against AIDS. The same applied to Africa, where over 25 million people were infected with AIDS but only a fraction could be treated. Many transnational enterprises made extraordinary profits out of the tragedy of millions of human beings, in the process limiting their right to development. The situation was unacceptable.

77. His own country was victim of a most cruel impediment to its development, namely the criminal blockade imposed by the United States. Not only was access to its markets and to international credit prohibited, but obstacles were put to technological development, its patents were stolen, commercial partners bullied and funds belonging to the Cuban State were blocked. Moreover, Cubans were being killed by the denial of access to food, medication and medical equipment. Recently, his Government had decided to buy, despite its astronomical price, an intratracheal vaccine for newly born premature babies. The Mexican subsidiary of the

United States manufacturers, had been refused permission to sell the goods to Cuba owing to the blockade laws. He wondered how long it would take the Commission to feel a proper sense of shame and condemn such an immoral course of action.

78. Mr. LEPATAN (Observer for the Philippines), speaking in exercise of the right of reply, said that his country had welcomed the visit of the independent expert on the right to development, although it would have preferred a later date in order to prepare for his visit. Meanwhile, he put forward the following considerations for the expert's future work. In the first place, he should examine the possible relationship between the process of wealth creation and the right to development: it might provide an organizing mechanism to meet the need for national action. A related issue was that of livelihood as a foundation for poverty eradication and food security, particularly with regard to agriculture, which was the main source of livelihood in developing countries. He might also consider the link between migration and development and employment and job creation as engines of development.

79. Employment, job creation and livelihood were all central to the discussion of the development process at the most basic level. The next step was trade, investment and finance. In that regard, he agreed with the views contained in paragraph 188 of the report of the Open-Ended Working Group on the Right to Development. It was important that the right to development should not be reduced to an exercise in development assistance, which was a necessary tool but nothing more. Developing countries must stand on their own feet in a sustained development process through resources that they themselves generated. Development assistance was a logical starting point, but developing countries should ultimately have no further need for such assistance. Lastly, he supported the proposed extension of the mandate of the Working Group and the independent expert.

ORGANIZATION OF THE WORK OF THE SESSION (agenda item 3) (continued)

Statements in exercise of the right of reply

80. Mr. TAHIR-KHELI (United States of America), referring to a statement made by the Foreign Minister of Cuba at the previous meeting, said that it clearly illustrated how far outside the accepted norms of human rights the current rulers of Cuba had placed themselves and the lengths to which they were prepared to go to hide the truth. The allegations regarding the United States of America were too absurd and outrageous to merit a response, but the Minister's categoric assertion that there were "no human rights abuses in Cuba" both deserved and required a reaction.

81. He wished to draw the Commission's attention to the fact that, on 10 December 2000, the Cuban Government had celebrated International Human Rights Day by detaining more than 200 activists in an effort to stop a number of planned celebrations. Early in 2001, two Czech citizens, one of whom was a member of the Czech Parliament, were imprisoned for meeting a Cuban political activist and a Cuban independent journalist. Between 200 and 300 political activists were in Cuban prisons, and the most recent report of the Inter-American Commission on Human Rights noted "the systematic practice of the Cuban State of discriminating against citizens ... for political reasons and the lack of freedom of expression,

association and assembly". The report stated that trials and prison sentences continued to be used to harass people for reasons linked to rights recognized in international human rights instruments.

82. The Committee against Torture's most recent report on Cuba called attention to "serious violations" of the respective Convention "with regard to arrest, detention, prosecution, access to counsel and imprisonment of individuals".

83. Cuba had refused to allow the United Nations Special Rapporteurs on the Question of Torture and on the Promotion and Protection of the Right to Freedom of Opinion and Expression to enter the country. Cuba's human rights record spoke for itself.

84. Mr. SHEN Yongxiang (China) said that his delegation rejected the attack on the civil rights situation in China, as expressed by the Minister for Foreign Affairs of Germany. China had made enormous progress in ensuring the enjoyment of their human rights by a vast majority of the Chinese people over the past 50 years. That progress could not be denied by a few biased Western politicians. A ban had been imposed on the Falun Gong in the interests of the people's human rights, including those of the practitioners of what was not a religion but an evil cult. The recent self-immolation of some members of the cult showed its essentially destructive and anti-human tendency.

85. Mr. FERNANDEZ PALACIOS (Cuba) said that the United States could not expect its strictures to be believed when its constant lies about its model of democracy had been exposed as a sham. Half the population of the United States was illiterate and a third did not vote in elections. A candidate could be elected with a minority of the votes. The United States was in no position to criticize the human rights situation in Cuba, given its own deplorable record of lynching and shootings.

86. He suggested that the Commission should investigate the irregularities in the recent presidential election in the United States, which were a symptom of a democracy in crisis. His delegation was not interested in receiving from such a country certificates of legitimacy or advice on the democratic patterns to follow.

The meeting rose at 6.10 p.m.